

Application No. 09/922,651
Amendment January 16, 2007
Reply to Office Action of July 13, 2006

REMARKS

Applicant amended independent claims 1, 41, 60, and 78 to further define Applicant's claimed invention.

In the Office Action, the Examiner rejected claims 1-22 and 41-49 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner objected to independent claims 1 and 41 as being "directed to an apparatus and method for using said apparatus." (Office Action, page 2). Applicant amended claims 1 and 41 to delete the phrases objected to by the Examiner and to positively recite the elements of the claimed invention. In addition, the Examiner stated that "it is not clear to one of ordinary skill whether" the phrase "a content database storing the media content offering delivered from said content management system" refers "to the selected media content offering (e.g. claim 1, lines 9-10) or a media offering (e.g. claim 1, lines 4-5)." (Office Action, page 2). Applicant amended claims 1 and 41 to recite "a content database adapted to provide for the storage of at least a portion of the at least one rollout delivered from said content management system." Applicant submits that the Examiner's rejection of claims 1-22 and 41-49 under 35 U.S.C. § 112, second paragraph, as being indefinite has been overcome.

The Examiner rejected claims 1-22, 41-49, and 60-87 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,226,618 to Downs et al. ("Downs") in view of U.S. Patent No. 6,718,551 to Swix et al. ("Swix").

Independent claims 1 and 49 as now amended, each recite: "said content management system adapted to provide for the aggregation of selected media content offerings into at least one rollout offered to at least one of the selected groupings of the consumers, the at least one rollout accessible by the consumers in the at least one of the selected groupings." Independent claim 60 as now amended recites: "each media content offering being offered to at least one of the selected groupings of the consumers and accessible by the consumers in the at least one of the selected groupings". Independent claim 78 as now amended recites: "each media content offering being offered to at least one selected grouping of the consumers and

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accessible by the consumers of the at least one selected grouping. Downs and Swix, either alone or when properly combined, do not teach or suggest at least the above recitations of independent claims 1, 41, 60 and 78.

Downs teaches a system where "a series of tools are provided to enable the Content Provider(s) 101 to prepare and securely package their Content 113 into SC(s) at their premises so that the Content 113 is secure when it leaves the Content Provider(s)' 101 domain." (Downs, Col. 48, lines 37-41). Downs specifically discloses that "[t]he end goal of the tools for the Content Provider(s) 101 is to prepare and package a Content 113 such as a song or series of songs into Content SC(s) 630 and to package information describing the song, approved uses of the song (content Usage Conditions 517), and promotional information for the song into a Metadata SC(s) 620." (Downs, Col. 48, lines 46-51). Further, Downs discloses that "Electronic Digital Content Store(s) interpret the Usage Conditions 517 in Metadata SC(s) 620 and use the information to provide different options or Store Usage Conditions 519 to the End-User(s) for purchase of Content 113." (Downs, Col. 26, lines 10-12 and 13-17). Also, Downs teaches that "the Clearinghouse(s) insures that the transaction being processed is not violating any of those [Usage] restrictions before transmitting License SC(s) 660 to the End-User Device(s) 109." (Downs, Col. 45, lines 35-38).

Thus, in Downs, the media content offering is offered by the Electronic Digital Content Stores to all of the consumers and accessible to all of the consumers logging onto the Electronic Digital Content Store's website as long as the users meet the Content Use restrictions and purchase the content. Downs does not teach or suggest a system adapted to provide for the aggregation of selected media content offerings into at least one rollout offered to at least one of the selected groupings of the consumers, the at least one rollout accessible by the consumers in the at least one of the selected groupings as recited in independent claims 1 and 41. Similarly, Downs fails to teach or suggest that each media content offering is being offered to at least one of the selected groupings of the consumers and is accessible by the consumers in the at least one of the selected groupings" as recited in independent claim 60, or that each media content offering is being offered to at least one selected grouping of the consumers and is

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accessible by the consumers of the at least one selected grouping as recited in independent claim 78.

Independent claims 1 and 41 as now amended each further recite: "said subscriber management system adapted to provide for the grouping of individual consumers into the selected groupings for receiving the at least one rollout specific for at least one of the selected groupings." Downs and Swix, either alone or when properly combined, do not teach or suggest at least the above recitations of independent claims 1 and 41.

In Downs, "[t]he Clearinghouse(s) provides the licensing authorization and record keeping for all transactions that related to the sale and/or permitted use of the Content 113 encrypted in a SC." (Downs, col. 10, lines 50-53). Downs teaches that "Clearinghouse(s) 105 functions include enablement of Electronic Digital Content Store(s) 103, verification of rights to Content 113, integrity and authenticity validation of the buying transaction and related information, distribution of Content encryption keys or Symmetric Keys 623 to End-User Device(s) 109, tracking the distribution of those keys, and reporting of transaction summaries to Electronic Digital Content Store(s) 103 and Content Provider(s) 101." (Downs, Col. 42, lines 39-47). The Clearinghouse described in Downs "insures that the transaction being processed is not violating any of those [Usage] restrictions before transmitting License SC(s) 660 to the End-User Device(s) 109" and "maintains a Audit Logs 150 of information for each operation that is performed during Content 113 purchase transactions and report request transactions." (Downs, Col. 45, lines 35-38 and 46-49). Thus, Downs teaches a subscriber management system which authorizes transactions of individual users if usage restrictions match with user's authorizations and logs and reports each of the transactions for accounting purposes. Downs does not disclose a subscriber management system which is adapted to provide for grouping of individual consumers into the selected groupings for receiving the at least one rollout specific for at least one of the selected groupings as recited in independent claims 1 and 41.

Independent claims 41 and 78 as now amended, respectively further recite: "a content management system having a processor adapted to provide for the

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combination of media assets and metadata based on at least one common business rule associated with one or more of the media assets to create a media content offering" and "combining media assets and metadata utilizing a central processing unit based on at least one common business rule associated with one or more of the media assets to create at least one media content offering." Downs and Swix, either alone or when properly combined, do not teach or suggest at least the above recitations of independent claims 41 and 78.

Downs teaches that "[e]ach Content Provider(s) 101 specifies the Usage Conditions 517 for each of its Content 113 items" and that the "Electronic Digital Content Store(s) interpret the Usage Conditions 517 in Metadata SC(s) 620 and use the information to provide different options or Store Usage Conditions 519 to the End-User(s) for purchase of Content 113." (Downs, Col. 26, lines 10-12 and 13-17). Thus, in Downs, an Electronic Digital Content Store presents content offering having different Usage Conditions (business rules). Downs does not teach combining media assets and metadata based on at least one common business rule associated with one or more of the media assets to create one media content offering as recited in independent claims 41 and 78.

In view of the above, Applicant submits that the Examiner's rejection of claims 1-22, 41-49 and 60-87 under 35 U.S.C. § 103(a) as being unpatentable over Downs in view Swix has been overcome. Applicant further submits that independent claims 1, 41, 60, and 78 are patentable and that dependent claims 2-22, 42-49, 61-77, and 79-87 dependent from independent claim 1, 41, 60, or 78, or claims dependent therefrom, are patentable at least due to their dependency from an allowable independent claim.

In view of the foregoing remarks, Applicant submits that the claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicant therefore requests the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

To the extent any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this reply, such extension is hereby respectfully requested. If there are any

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fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 50-1068.

Respectfully submitted,

MARTIN & FERRARO, LLP

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By: 

Amadeo F. Ferraro
Registration No. 37,129

1557 Lake O'Pines Street, NE
Hartville, Ohio 44632
Telephone: (330) 877-0700
Facsimile: (330) 877-2030